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19 *Attorneys for Plaintiff Flemming Kristensen and the Class*

20 **IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

21 FLEMMING KRISTENSEN, individually and
22 on behalf of a class of similarly situated
23 individuals,

24 Plaintiff,

25 v.

26 CREDIT PAYMENT SERVICES INC., a
27 Nevada corporation, f/k/a MY
28 CASHNOW.COM INC., ENOVA
INTERNATIONAL, INC., an Illinois
corporation, PIONEER FINANCIAL
SERVICES, INC., a Missouri corporation,
LEADPILE LLC, a Delaware limited liability
company, and CLICKMEDIA LLC d/b/a
NET1PROMOTIONS LLC, a Georgia limited
liability company,

Defendants.

Case No. 2:12-CV-00528-APG-(PAL)

CLASS ACTION

Judge: Hon. Andrew P. Gordon

Magistrate: Hon. Peggy Leen

**PLAINTIFF'S MOTION FOR LEAVE TO
FILE DOCUMENTS UNDER SEAL
PURSUANT TO CIVIL L.R. 10-5**

1 Pursuant to Civil Local Rule 10-5, Plaintiff Flemming Kristensen (“Plaintiff”) submits this
 2 Motion for Leave to file documents under seal in connection with Plaintiff’s Opposition to
 3 Defendants LeadPile LLC and Credit Payment Services, Inc.’s Motion for Terminating Sanctions.
 4 These documents have been designated as “Confidential” by Defendant Net1Promotions LLC d/b/a
 5 Click Media (“Click Media”) under the First Amended Stipulated Protective Order entered by this
 6 Court on January 29, 2014. (Dkt. 145.) The Stipulated Protective Order acknowledges that certain
 7 confidential, proprietary, or private information may be disclosed during the course of discovery,
 8 and that the Parties shall follow the procedures set forth in Civil Local Rule 10-5 for filing
 9 documents under seal.

10 Plaintiff seeks to file the following document designated “Confidential” by Plaintiff under
 11 seal pursuant to Civil L.R. 10-5:

- 12
- 13 • Exhibit H to the Declaration of John C. Ochoa in Support of Plaintiff’s Opposition to
 14 Defendants LeadPile LLC and Credit Payment Services, Inc.’s Motion for
 15 Terminating Sanctions. Exhibit H is a true and accurate copy of excerpts of
 16 documents produced by Click Media in response to Plaintiff’s Document Requests,
 17 bates labeled “CM 000134.” Click Media has designated these documents as
 18 “Confidential,” and as such, Plaintiff is filing them under seal.

19 Protective orders and filings under seal are “the primary means by which the courts ensure
 20 full disclosure of relevant information, while still preserving the parties’ (and third parties’) legitimate expectation that confidential business information, proprietary technology and trade
 21 secrets will not be publicly disseminated.” *In re Adobe Sys., Inc., Sec. Litig.*, 141 F.R.D. 155, 161–
 22 62 (N.D. Cal. 1992). The party seeking to seal documents attached to a non-dispositive motion must
 23 only demonstrate “good cause,” as opposed to the “compelling reasons” standard for documents
 24 attached to dispositive motions, because “the cognizable public interest in judicial records that
 25 underlies the compelling reasons standard does not exist for documents produced between private
 26 litigants.” *Golden Boy Promotions, Inc. v. Top Rank, Inc.*, No. 10-CV-01619-RLH, 2011 WL
 27

1 686362, at *1 (D. Nev. Feb. 17, 2011).

2 Additionally, when a district court grants a protective order to seal documents during
 3 discovery, “it already has determined that good cause exists to protect this information from being
 4 disclosed to the public by balancing the needs for discovery against the need for confidentiality.”
 5 *Phillips v. General Motors Corp.*, 307 F.3d 1206, 1213 (9th Cir. 2002). Further, a court may order
 6 the sealing of court records when they contain confidential or otherwise sensitive business
 7 information. *IMAX Corp. v. Cinema Tech., Inc.*, 152 F.3d 1161, 1168 (9th Cir. 1998) (noting that
 8 confidential and proprietary business information is “to be filed under seal.”); *In re Dual-Deck*
 9 *Video Cassette Recorder Antitrust Litig.*, 10 F.3d 693, 694 (9th Cir. 1993). (stating that it “is
 10 common now in business litigation” to seal confidential business information by a stipulated
 11 protective order).

12 Here, good cause exists for allowing Plaintiff to file the above-referenced exhibit under seal
 13 because, as set forth in the Declaration of John C. Ochoa, they have been designated as
 14 “Confidential” by Click Media pursuant to the First Amended Stipulated Protective Order entered
 15 into by the Parties. Pursuant to Local Rule 10-5 and the District of Nevada’s ECF Filing
 16 Procedures, contemporaneously with the filing of his Opposition, Plaintiff will file the exhibit that
 17 Defendant has marked confidential under seal and serve a paper copy on Defendants, in addition to
 18 delivering a paper copy to this Court.

19 WHEREFORE, Plaintiff respectfully requests that this Court enter an Order granting
 20 Plaintiff’s Motion for Leave to File Documents Under Seal.

21 Dated: December 4, 2014

22 Respectfully submitted,

23 FLEMMING KRISTENSEN, individually and
 24 on behalf of a class of similarly situated
 25 individuals

26 By: _____ /s/ John C. Ochoa
 27 One of Plaintiff’s attorneys

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16 *Attorneys for Plaintiff Flemming Kristensen*
17 *and the Class*

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CERTIFICATE OF SERVICE

I hereby certify that on December 4, 2014, I electronically filed the foregoing *Plaintiff's Motion for Leave to File Documents Under Seal* with the Clerk of the Court using the CM/ECF system. Notice of this filing is sent to all counsel of record by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

Dated: December 4, 2014

By: _____ /s/ John C. Ochoa _____